THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION Nos.10792 and 11060 of 2002

Dt:04.01.2006

W.P.No.10792 of 2002

Between:

Anjuman-e-Ilm-o-Amal

.. Petitioner

and

Andhra Pradesh State Wakf Board and others

.. Respondents

W.P.No.11060 of 2002

Between:

Sir Nizamath Jung Wakf.

.. Petitioner

and

Andhra Pradesh State Wakf Board and another

.. Respondents

COMMON ORDER:

These two writ petitions, which were directed against the order, dated 06.06.2002, passed by the Chief Executive Officer, Andhra Pradesh State Wakf Board, are heard together and decided by this common order.

The petitioners in both the writ petitions claim to be the societies formed for the welfare of the Muslims. They are aggrieved by the impugned order, dated 06.06.2002, where under, the entire property known as Sri Nizamath Jung Wakf was taken into direct management of the Board under Section 65 of the Wakf Act.

This Court, while directing Rule nisi by orders, dated 19.06.2002 and 21.06.2002, granted interim suspension of the impugned order, dated 06.06.2002, and consequently, the same could not be given effect to.

The learned counsel appearing for the Wakf Board, across the bar, submits that in pursuance of the interim orders during the pendency of these writ petitions, the petitioners have been managing the properties.

Though, several contentions have been raised on merits, it is to be noted that under Section 63 of the Wakf Act, the first respondent-Board is competent to make an appointment in respect of the Wakf to act as Muthawali for such period and on such conditions as it may think fit. Both the petitioners do not dispute the fact that a vacancy arose in respect of the Wakf in question and it is necessary to appoint a Muthawali under the provisions of the Act.

In the circumstances, I am of the opinion that it is not necessary to keep the writ petitions pending any longer and it would be appropriate to dispose of the same granting liberty to the first respondent to take necessary steps in accordance with law for appointment of Muthawali in respect of Wakf in question. Both the petitioners herein are granted liberty to put forth their claims before the first respondent, in which event, the same will be considered in accordance with law. Till such appointment is made, status quo obtaining as on today, with regard to management of the property in question, shall be maintained.

The writ petitions are accordingly disposed of. There shall be no order as to costs.

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04.01.2006

kdl